

HOUSE BILL NO. 336

INTRODUCED BY B. LER

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE INTERSTATE COOPERATIVE MEATPACKING COMPACT; PROVIDING FOR COMMERCE BETWEEN STATES FOR STATE-INSPECTED MEAT; PROVIDING THAT STATE INSPECTIONS MUST BE AT LEAST EQUAL TO FEDERAL LAWS AND REGULATIONS; ESTABLISHING PARTICIPATION CRITERIA; PROVIDING FOR A COMPACT ADMINISTRATOR IN PARTICIPATING STATES; PROVIDING A PROCESS FOR DISPUTE RESOLUTION AND REVOCATION OF PARTICIPATION; PROVIDING DEFINITIONS; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Enactment -- provisions -- interstate cooperative program.** The Interstate Cooperative Meatpacking Compact is enacted into law with all other participating states in the following form:

Article I. Purpose

(1) The compacting states to this interstate compact recognize the importance of providing the public with a safe, wholesome, and unadulterated meat supply.

(2) The purpose of this compact, through joint and cooperative action among the compacting states is to:

(a) expand opportunities for the livestock and meatpacking economy throughout the western United States; and

(b) promote commerce between the compacting states.

(3) It is the policy of the compacting states to cooperate and to observe their individual and collective duties and responsibilities for the appropriate inspection, sanitation, recordkeeping, sampling, labeling, public health, and humane methods of slaughtering for those establishments subject to this compact.

(4) The intent of the compacting states is to maintain and enhance a state-based meat inspection

1 process that is at least equal to applicable federal laws and rules, including the authorities under the:

2 (a) Federal Meat Inspection Act, 21 U.S.C. 501 through 695;

3 (b) federal Poultry Products Inspection Act, 21 U.S.C 451 through 470, as those acts read on March  
4 27, 2013;

5 (c) federal Humane Methods of Slaughter Act of 1978, 7 U.S.C. 1901, 1902, 1904, 1906, and 1907,  
6 as that act read on March 27, 2007;

7 (d) the labelling requirements of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301 through  
8 392, as that law read on October 1, 1987; and

9 (e) federal regulations promulgated under these federal acts.

10 Article II. Definitions

11 (1) "Compacting state" means any state that has enacted the enabling legislation for this compact.

12 (2) "Livestock" means cattle, buffalo, sheep, swine, goats, rabbits, horses, mules, or other equines,  
13 whether alive or dead.

14 (3) "Livestock product" or "poultry product" means a product capable of use as human food that is  
15 wholly or partially made from meat.

16 (4) "Meat" means the edible flesh of livestock or poultry and includes livestock and poultry products.  
17 This term does not include cell-cultured edible products.

18 (5) "Meat establishment" means an establishment licensed by a state at which inspection of the  
19 slaughter of livestock or poultry or the preparation of meat food products is maintained under applicable meat  
20 and poultry inspection laws, including those listed in Article I. The term includes a mobile slaughter facility.

21 (6) (a) "Retail food establishment" means an operation, whether mobile or at a temporary or  
22 stationary facility or location, that meets one or more of the conditions in subsections (6)(a)(i) and (6)(a)(ii) and  
23 that may include a central processing facility that supplies a transportation vehicle or a vending location or  
24 satellite feeding location. A retail food establishment:

25 (i) stores, processes, packages, serves, or vends food directly to the consumer or otherwise provides  
26 food for human consumption at a venue that may include:

27 (A) a restaurant;

28 (B) a market;

1 (C) a satellite or catered feeding location;

2 (D) a catering operation if the catering operation provides food directly to a consumer or to a

3 conveyance used to transport people;

4 (E) a vending location;

5 (F) a conveyance used to transport people;

6 (G) an institution; or

7 (H) a food bank; and

8 (ii) relinquishes possession of food to a consumer directly or indirectly by using either a delivery

9 service, as is done for grocery or restaurant orders, or a common carrier that provides deliveries.

10 (b) The term is not dependent on whether consumption is on or off the premises or whether there is a

11 charge for food served to the public.

12 (c) The term does not include:

13 (i) milk producers' facilities, milk pasteurization facilities, or milk product manufacturing plants;

14 (ii) slaughterhouses, meat packing plants, or meat depots;

15 (iii) growers or harvesters of raw agricultural commodities;

16 (iv) a cottage food operation;

17 (v) a person that sells or serves only commercially prepackaged foods that are not potentially

18 hazardous;

19 (vi) a food stand that offers raw agricultural commodities;

20 (vii) a wholesale food establishment, including those wholesale food establishments that are located

21 on the same premises as a retail food establishment;

22 (viii) a kitchen in a domestic residence used for preparing food to sell or serve at a function by a

23 nonprofit organization as provided in subsection (6)(c)(xiii);

24 (ix) custom meat and game animal processors that receive from an owner the remains of a carcass

25 and process those remains for delivery to the owner for the exclusive use in the owner's household by the

26 owner or members of the owner's household, including the owner's family pets, or of the owner's nonpaying

27 guests or employees. For this exemption to apply, the carcass must be kept separate from other meat food

28 products and parts that are to be prepared for sale.

1 (x) private, religious, fraternal, youth, patriotic, or civic organizations that serve or sell food to the  
2 public over no more than 4 days in a 12-month period;

3 (xi) a private organization that serves food only to its members and their guests;

4 (xii) a bed and breakfast, a hotel, a motel, a roominghouse, a guest ranch, an outfitting and guide  
5 facility, a boardinghouse, or a tourist home as defined in 50-51-102 that serves food only to registered guests  
6 and day visitors;

7 (xiii) a nonprofit organization that operates a temporary food establishment under a permit as provided  
8 in 50-50-120;

9 (xiv) persons who sell or serve at a farmer's market or a food stand whole shell eggs, hot coffee, hot  
10 tea, or other food not meeting the definition of potentially hazardous, as authorized by the appropriate municipal  
11 or county authority;

12 (xv) a day-care center under 52-2-721(1)(a) or day-care providers who are not subject to licensure  
13 under 52-2-721(1)(a);

14 (xvi) a private domestic residence that receives catered or home-delivered food;

15 (xvii) a contract cook; or

16 (xviii) a provider of free samples to the public as a marketing activity if the provider is a licensed  
17 wholesale food establishment, a cottage food operation, or a seller at a farmer's market.

18 (7) "Retail meat establishment" means a commercial establishment at which meat or meat products  
19 are displayed for sale or provision to the public, with or without charge.

20 (8) "State" means a state within the United States, the District of Columbia or its designee, the  
21 Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern  
22 Marianas Islands.

23 (9) "Western cooperative program" means the participating, compacting states that promise to adhere  
24 to this compact.

25 Article III. Cooperative commerce

26 (1) A meat establishment in a compacting state may participate in the western cooperative program.

27 (2) A meat establishment participating in the western cooperative program may sell and transport  
28 meat, livestock products, or poultry products to a retail food establishment, retail meat establishment, or meat

1 depot in another compacting state.

2 Article IV. Applicability of other laws

3 This compact does not prohibit compacting states from participating in the United States department of  
4 agriculture food safety and inspection service's cooperative interstate shipment program.

5 Article V. Compact administrator and interchange of information

6 (1) The head of the licensing authority of each party state is the administrator of this compact for the  
7 administrator's state. The administrators, acting jointly, shall have the power to formulate all necessary and  
8 proper procedures for the exchange of information under this compact.

9 (2) The administrator of each party state shall furnish to the administrator of each other party state  
10 any information or documents reasonably necessary to facilitate the administration of this compact.

11 Article VI. Defaulting and resolution of disputes

12 (1) The administrator of each party state shall resolve disputes among the compacting states by  
13 simple majority vote.

14 (2) If the administrators determine that a compacting state has defaulted in the performance of any of  
15 its obligations or responsibilities under this compact, the administrators may suspend or revoke membership in  
16 the compact. The administrators may suspend a participating state only after all other reasonable means of  
17 securing compliance under the terms of this compact have been exhausted and the administrators have  
18 determined that the offending state is in default.

19 (3) On determining default, the administrators shall:

20 (a) immediately notify the defaulting state in writing of the penalty imposed by the administrators and  
21 a cure for the default; and

22 (b) stipulate the conditions and the time period within which the defaulting state shall cure its default.

23 (4) (a) If the defaulting state fails to cure the default within the time period specified by the interstate  
24 commission, the defaulting state must be terminated from the compact on an affirmative vote of a majority of  
25 the compacting states. All rights, privileges, and benefits conferred by this compact must be terminated from  
26 the effective date of the termination.

27 (b) The administrators shall give immediate notice of suspension or termination to the governors of  
28 each state.

1 (5) The administrators may, by a simple majority vote, initiate legal action in the United States district  
2 court for the District of Columbia or other court of competent jurisdiction to enforce compliance with the  
3 provisions of the compact. If judicial enforcement is necessary, the prevailing party must be awarded all costs  
4 of the litigation, including reasonable attorney fees.

5 Article VII. Effective date and amendment

6 (1) The compact becomes effective and binding on legislative enactment of the compact into law by  
7 the participating states. The initial effective date is July 1, 2021. Thereafter, it becomes effective and binding as  
8 to any other compacting state on enactment of the compact into law by that state.

9 (2) The administrators may propose amendments to the compact for enactment by the compacting  
10 states. An amendment is effecting and binding on the interstate commission and the compacting states when it  
11 is enacted into law by the consent of the compacting states.

12 Article VIII. Severability

13 (1) The provisions of this compact are severable, and if any phrase, clause, sentence, or provision is  
14 unenforceable, the remaining provisions of the compact remain enforceable.

15 (2) The provisions of this compact must be liberally constructed to effectuate its purposes.

16 Article IX. Withdrawal and termination

17 (1) When effective, the compact must continue in force and remain binding on each compacting state.  
18 However, a compacting state may withdraw from the compact by specifically repealing the statute that enacted  
19 the compact into law.

20 (2) The effective date of withdrawal is the effective date of the repeal.

21 (3) The withdrawing state shall immediately notify the compact administrators in each participating  
22 state on the introduction of legislation repealing this compact in the withdrawing state.

23 (4) Reinstatement following withdrawal of any compacting state must occur on the withdrawing state  
24 reenacting the compact or on a later date as determined by the compact administrators.

25 (5) The compact dissolves effective on the date of the withdrawal or default of the compacting state,  
26 which reduced membership in the compact to one compacting state.

27

28 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an

1 integral part of Title 81, chapter 9, and the provisions of Title 81, chapter 9, apply to [section 1].

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